

## SENATE BILL No. 473

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 10-2-4-3; IC 10-5-8-1; IC 10-5-9-1.

**Synopsis:** State employee military salary supplement. Requires a state employee on active duty in the United States armed forces to be paid the difference between the employee's state gross pay and the employee's gross military pay and allowances.

**Effective:** July 1, 2002.

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**Lawson C, Alting**

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January 14, 2002, read first time and referred to Committee on Finance.

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Introduced

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

## SENATE BILL No. 473

A BILL FOR AN ACT to amend the Indiana Code concerning state police, civil defense and military affairs.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 10-2-4-3, AS AMENDED BY P.L.33-2000,  
2       SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       JULY 1, 2002]: Sec. 3. (a) **Except as provided in subsection (e)**, this  
4       section applies to all officers and employees of the state of Indiana or  
5       any county, township, municipality, or school corporation in Indiana  
6       who are listed in subsection (b).

7       (b) As used in this section, "member" refers to the following:

8           (1) A member of the Indiana National Guard.

9           (2) A member of a reserve component.

10          (3) A member of the retired personnel of the naval, air, or ground  
11          forces of the United States.

12       (c) A member is entitled to receive from the member's employer a  
13       leave of absence from the member's respective duties, in addition to  
14       regular vacation period, without loss of time or pay for such time as the  
15       member is:

16           (1) on training duties of the state of Indiana under the order of the  
17           governor as commander in chief; or

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IN 473—LS 7159/DI 102+



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(2) a member of any reserve component under the order of the reserve component authority; for consecutive or nonconsecutive periods not to exceed a total of fifteen (15) days in any calendar year. The entitlement to a leave of absence without loss of time or pay provided in this subsection is not at the discretion of the member's employer.

(d) A member is entitled to receive from the member's employer a leave of absence from the member's respective duties, in addition to the member's regular vacation period for the total number of days that the member is on state active duty under section 4 of this chapter. **Except as provided in subsection (e)**, a leave of absence provided under this subsection may be with or without loss of time or pay at the discretion of the member's employer.

**(e) This subsection applies only to members who are state employees and who are on a leave of absence from the members' respective duties as state employees while on state or federal active duty under section 4 of this chapter. If a member is on a leave of absence for longer than the fifteen (15) day period described in subsection (c), the member is entitled to be paid by the state, for each pay period after the fifteen (15) day period, the difference between:**

**(1) the member's gross wages or salary as a state employee as of the date the member began a leave of absence for active duty; and**

**(2) the sum of the member's gross pay and allowances received on active duty.**

**A member is not entitled to a payment under this subsection if, for a particular pay period, the sum of the member's gross pay and allowances received on active duty exceeds the member's gross wages or salary as a state employee for a period of the same length as of the date the member began a leave of absence for active duty.**

SECTION 2. IC 10-5-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1. Any person who is a duly qualified member of the reserve components of the armed forces, who is a member of the Ready Reserve, who is a member of an organized unit, and who, in order to receive military training with the armed forces of the United States not to exceed fifteen (15) days in any one (1) calendar year, leaves a position other than a temporary position in the employ of any employer, and who shall give evidence defining date of departure and date of return for purposes of military training ninety (90) days prior to the date of departure and who shall further give evidence of the satisfactory completion of such training immediately



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thereafter, and, who is still qualified to perform the duties of such position, shall be entitled to be restored to his previous or a similar position with the same status and pay. ~~Provided, That~~ Seniority shall continue to accrue during such period of absence, and such period of absence for military training shall be construed as an absence with leave, and within the discretion of the employer said leave may be with or without pay, **except as provided under IC 10-2-4-3.**

SECTION 3. IC 10-5-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1. Any person who, as a reserve member of the armed forces of the United States, is called upon to receive temporary military training, shall be entitled to a temporary leave of absence from his employer, not to exceed fifteen (15) days in any one (1) calendar year: Provided, That such person is required to provide his employer with evidence of the dates of his departure and return as soon as practicable prior to his departure, and shall be required to furnish his employer upon his return, evidence of his satisfactory completion of such training. Upon his return, such person shall be restored to his previous, or similar position, with the same status as he held before leaving for his training period. Such leaves may be granted with or without pay within the discretion of the employer, **except as provided under IC 10-2-4-3.**

Any temporary leave of absence so granted shall not affect the rights of the person to vacation leave, sick leave, or other normal benefits of his employment.

SECTION 4. [EFFECTIVE JULY 1, 2002] (a) **IC 10-2-4-3(e), as added by this act, applies to employees of the state of Indiana who begin a leave of absence for state or federal active duty under IC 10-2-4-4 after September 11, 2001.**

(b) A person who is entitled to payments under IC 10-2-4-3(e), as added by this act, must receive the payments beginning on the later of:

(1) July 1, 2002; or

(2) the day after the person exhausts the fifteen (15) day period described in IC 10-2-4-3(c).

(c) If a person exhausted the fifteen (15) day period described in IC 10-2-4-3(c) before July 1, 2002, and is entitled to a payment under IC 10-2-4-3(e), as added by this act, the member's employer shall pay in a lump sum, not later than October 1, 2002, the amount due the person.

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